

ADMINISTRATIVE SERVICES DEPARTMENT[11]

Adopted and Filed

Pursuant to the authority of Iowa Code section 8A.104(5), the Department of Administrative Services hereby amends Chapter 53, "Pay," and Chapter 63, "Leave," Iowa Administrative Code.

These amendments delete the years of service incentive program rule, as this program no longer exists.

These amendments also reflect changes required by the National Defense Authorization Act for FY 2010. These changes allow family members of servicemembers in the regular component of the Armed Forces to be eligible for exigency leave. Previously, exigency leave was only available for family members of members of the National Guard or Reserves. The changes also limit exigency leave to family members of covered servicemembers deployed or deploying to a foreign country.

Notice of Intended Action was published in the Iowa Administrative Bulletin on June 2, 2010, as **ARC 8781B**. No public comments were received on these amendments. These amendments are identical to those published under Notice of Intended Action.

These amendments will become effective September 15, 2010.

These amendments are intended to implement Iowa Code section 8A.104(5), the Family and Medical Leave Act, and the National Defense Authorization Act for FY 2010.

The following amendments are adopted.

ITEM 1. Rescind rule **11—53.12(8A)**.

ITEM 2. Amend paragraphs **63.4(1)"e"** and **"f"** as follows:

e. A qualifying exigency, as defined in ~~the National Defense Authorization Act for FY 2008 (NDAA),~~ federal FMLA regulations, arising out of the fact that the employee's spouse, son, daughter or parent is a covered ~~military member~~ servicemember on covered active duty, or has been notified of an impending call or order to covered active duty, ~~in support of a contingency operation~~ a foreign country.

f. To care for a covered servicemember with a serious injury or illness if the employee is the spouse, son, daughter, parent or next of kin of the servicemember, pursuant to the ~~NDAA~~ FMLA regulations.

[Filed 7/13/10, effective 9/15/10]

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 8/11/10.